

B-1

Minutes of the Regular Meeting
of the
San Luis Obispo County Planning Commission
Thursday, November 30, 2005

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The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Adjourned Meeting of November 30, 2005 together with the maps and staff reports attached thereto and incorporated therein by reference.

PRESENT: Commissioners Christie, Gibson, Mehlschau, Rappa, and Chairman Roos

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRMAN ROOS.

Speaker	Note
Public comment	No one coming forward.
Planning Staff Updates	
Warren Hoag, staff	Updates Planning Commission regarding office moves in the Planning and Building Department, and department personnel locations. Gives Matt Janssen recognition for his exemplary efforts in helping during the move. Retreat date given as Friday, January 27, 2006 around 9:00 a.m. tentatively proposed to be at Dairy Creek. Reminds Planning Commissioner's that Lona Franklin, former Planning Commission secretary will be here today for her luncheon.
Chairman Roos	Discusses the final E.I.R. for the Diablo project on January 12, 2006 PC. Requests clarification on how to access Diablo Canyon to make reservations for a site visit.
Glenn Marshall, Public Works	Introduces himself as representing Public Works today.
1. MARIO MORA / D020348P	This being the time set for hearing to consider a request by MARIO MORA for a Minor Use Permit/Coastal Development Permit to allow a 1,420 square foot two story addition to an existing 1,478 square foot residence, resulting in a 2,898 square foot residence with a 302 square foot attached garage. The project will result in the disturbance of approximately 700 square feet of a parcel. The proposed project is within the Residential Single Family land use category and is located at 2183 Wilton Drive in the Community of Cambria in the North Coast planning area. This project is exempt under CEQA. County File No: D020348P , Assessor Parcel Number: 023-203-038, Supervisorial District 2, Date Accepted: December 3, 2003.
Ryan Hostetter, staff	Presents staff report and shows overhead of the project.
Commissioner Christie	Requests clarification regarding square footage of the garage with staff responding.
Commissioner Gibson	Discusses no additional parking requirements along the street. Confirms there are no tree removal and no replacement requirements.
Commissioner Christie	Requests clarification on the map being in ESHA. Discusses allegations from the public regarding an existing garage being converted

Ryan Hostetter, staff	Clarifies that staff is unable to enter the home, however, there will be inspections when building is complete.
Commissioner Gibson	Discusses garage and requests if there are standards which state what constitutes a garage with staff responding the standards for a garage are 10'x20', with staff responding it will be verified with the construction permit when the garage is inspected.
Commissioner Christie	Discusses the disagreements over what constitutes natural grade. Discusses view of the edge of the East Lodge area.
Ryan Hostetter, staff	Clarifies when the property was originally built there was grading and states neighborhood concerns regarding grading have been addressed.
Commissioner Mehlschau	States the staff report shows the size of the garage as 302 square foot, which seems large for a single car.
Chairman Roos	Discusses Page 1-6 Finding L. and would like the statement to be made more clear in the language.
Matt Janssen, staff	Clarifies Page 1-6 Finding L. and gives language for Finding L.
Chairman Roos	Discusses impact fees for additional fixtures being added to home.
Matt Janssen, staff	Clarifies that Condition 11 addresses this concern.
Glenn Marshall, Public Works	Clarifies parking in the right of way is legal and the right of way will be expanded with an encroachment permit.
Robert Mark, agent	Addresses natural grade. Discusses retaining wall that was built, and clarifies that the grading did not raise the height of the building. Addresses parking regarding neighborhood concerns. States applicant intends the expansion will be strictly for the family. Discusses garage size as being built prior to code standards. Addresses tree removal and permits obtained for the tree removal. Discusses parking. Discusses height of building as being very close to the existing building.
Commissioner Christie	Requests clarification regarding plans including garage with agent responding that there is no additional garage.
Commissioner Rappa	Requests clarification if 17'x12' and discusses a possible error in the square feet of garage.
Glenn Marshall, Public Works	Agrees that the garage is 204 square feet, not 302.
John Wordeman	Discusses parking, current retaining wall, proposed retaining wall, and states his objection to the project.
Rick Allen	Discusses parking, trees which were removed without a permit, which was documented by Art Trinidad in Code Enforcement. Enters letter into record. States there are six available parking spaces.
Mr. Ramos	Requests clarification regarding resulting size of the residence.
Robert Mark, agent	Addresses tree issue. States there were permits to remove trees. Discusses tree removal replacement, amount of parking spaces brought up by Mr. Allen, existing retaining wall and the proposed expansion of it.

MOTION	<p>Thereafter on motion by Commissioner Gibson, seconded by Commissioner Rappa and carried, with Commissioner Christie voting no, RESOLUTION 2005-061, to grant a Minor Use Permit/Coastal Development Permit D020348P to MARIO MORA, based on the findings in Exhibit A, with <u>Finding L</u> amended to read: <i>"There will be no significant negative impact to the identified sensitive habitat, and the project or use will be replaced on a two-to-one basis"</i>, and conditions in Exhibit B, with <u>Condition 1</u> amended to read: <i>"This approval authorizes the construction of a 1,410 square foot - two story - addition to an existing 1,780 square foot residence, resulting in a 3,190 square foot residence with an existing one car garage"</i>.</p>
Discussion	Regarding the square footage of the garage, and tree issues.
Matt Janssen, staff	States our code does not allow issuance of permits unless previous conditions have been met and that there are no existing violations prior to this project. Discusses requirements for tree replacement.
Commissioner Rappa	Discusses Condition 1 and language replacement.
Commissioners	Discuss parking and enforcement actions.
Commissioner Christie	States she will not be supporting project due to it being mapped ESHA, and impacts to public views, and describes this as being a trend to build larger houses and losing the charm of Cambria being a village.
2. SBC / DRC2004-00060 / DRC2005-00041	<p>This being the time set for hearing to consider a request by SBC for a Development Plan/Variance/Coastal Development Permit to allow a new emergency generator to be located in the front setback. The generator is needed to support an existing telephone switching facility. The project will result in the disturbance of approximately 200 square feet of a 6,000 square feet parcel. The proposed project is within the Residential Single Family land use category and is located at 65 13th Street in the community of Cayucos. The site is in the Estero planning area. Also to be considered at the hearing will be approval of the Negative Declaration prepared for the item in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: aesthetic, air quality, hazards, noise. Anyone interested in commenting or receiving a copy of the proposed Negative Declaration should submit a written statement. Comments will be accepted up until completion of the public hearing(s). County File No's: DRC2004-00060 and DRC2005-00041, Assessor Parcel Number: 064-163-016, Supervisorial District: 2. Date Accepted: July 29, 2005.</p>
Kerry Brown, staff	Presents staff report. Discusses condition 20 added to address neighborhood concerns regarding drainage issues regarding entire parcel. Discusses neighborhood compatibility issues regarding generator location.
Commissioner Gibson	Requests clarification on what day the noise study was done with staff responding that there were 2 noise studies done.
Kerry Brown, staff	Clarifies hours of non-emergency operation. States the generator is completely enclosed. Clarifies why SBC needs a larger generator and states it will be used when there is a power outage
Chairman Roos	Requests clarification on whether there is currently an emergency generator existing with staff responding that there was, however, it has been removed and replaced with a temporary/portable emergency generator.
Commissioner Christie	Requests clarification regarding removal of previous emergency generator with staff responding.

B-4

Chairman Roos	Requests if we have the authority to fix the existing problem regarding drainage.
Kerry Brown, staff	Discusses a landscape plan to improve the visual of the project. Clarifies the drainage issues will be addressed using retention on site.
Glenn Marshall, Public Works	Discusses water retention issues.
Warren Hoag, staff	Discusses the drainage plan for the entire site introduced by staff.
Commissioner Rappa	Suggests drainage plan be included in Condition 2, with staff responding they will put it as a new Condition 4 under site development.
Commissioner Christie	Requests clarification on a condition limiting the timing use of generator, with Chairman Roos responding it is Condition 17.
David Wagner, architect	Addresses drainage issue from neighborhood by showing audience plans of slope plans. Addresses generator time usage issue, noise studies made, and visual improvements.
David Lord, acoustical engineer	Discusses ambient determination during a 24-hour period, average peak noise levels determined, and any differences created by other noise. Addresses measures during one-hour periods when generator is turned on, and when it is turned off.
Jerry Rodgers,	Power Generation and Engineering, discusses installation of generators, noise levels of various types of generators, decibels of generator, size of generators kilowatts.
Commissioner Christies	Requests clarification on noise inside and outside of building, how diesel fumes will be ventilated, and decibel level of generator, with Mr. Rodgers responding
Chairman Roos	Requests clarification on the generator being run during an electrical outage with Mr. Rodgers responding to the limitations on the generator use.
Commissioner Gibson	Discusses emissions of generator.
Commissioner Rappa	Requests clarification regarding drainage plan and neighborhood compatibility regarding removing black top with a more impervious surface surrounding project with Mr. Lord responding as to the reasoning behind paving options and is agreeable to looking at alternative surfaces to be used.
David Lord, Architect	Discusses fuel tank being a double walled tank.
Public Comment	
Mary Ann Carnegie	Cayucos Advisory Counsel. Discusses concerns regarding having a list of names of contacts should anything go wrong, noise levels, and maintenance of grounds.
David Lord	Addresses 50-decibel level and acoustical level.
Keith Walker	States he is In support of the project.
Barbara Heki	SBC, discusses communications with counsel and addresses issue regarding contacts and phone numbers. Discusses having an emergency phone number contact.
Commissioner Gibson	Offers language for new condition 4, drainage plan, and renumbering add to Page 2-14 and new condition 21 regarding contact phone numbers.

MOTION	<p>Fully discussed and thereafter, on motion of Commissioner Gibson, seconded by Commissioner Christie and unanimously carried, to adopted the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq, RESOLUTION 2005-062 granting a Development Plan/Variance/Coastal Development Permit DRC2004-00060 and DRC2005-00041 to SBC, based on findings in Exhibit A and B and the conditions in Exhibit C with <u>Condition 4</u> added to read: <i>"At the time of application for construction permits, the applicant shall submit a drainage plan for the entire site that shall show removal of impervious surfaces to the maximum extent feasible for review and approval by the County Public Works Department"</i>; <u>Condition 15</u> amended to read: <i>"Prior to testing and/or operation of the generator, the applicant shall provide evidence (as prepared by a qualified acoustical engineer) that the proposed emergency generator meets the standards of the Ordinance and element and does not increase the ambient noise level (daytime and nighttime) more than 1 dBA. If it cannot be demonstrated that the project meets the above condition the applicant shall provide a list of additional mitigation measures for review and approval by the Department of Planning and Building"</i>; <u>Condition 16</u> amended to read: <i>"The emergency generator will be enclosed by a sound attenuation module that will reduce the noise level (daytime and nighttime) of the generator to no more than 1 dBA above the ambient noise level"</i>; and new <u>Condition 20</u> added to read: <i>"The applicant shall post emergency and non-emergency phone numbers on the SBC building"</i> and renumbered, adopted.</p>
3. GREGORY AND MELISSA ALBRIGHT / SUB2004-00386	<p>This being the time set for hearing to consider a request by GREGORY AND MELISSA ALBRIGHT for a Tentative Tract Map, Development Plan and Coastal Development Permit to create a Planned Development on the site of six existing, detached dwellings, five of which are 919 square feet in area, and one of which is 1,900 square feet, including an approximately 486 square-foot attached garage. The Planned Development includes a proposed subdivision of an existing 27,330 square-foot parcel into seven parcels ranging from approximately 1,500 to 5,800 square feet that correspond to the existing dwellings, for the purpose of sale and/or development, and an approximately 12,300 square-foot common parcel. The project also includes a request for an adjustment to the requirements of Section 21.03.010d of the Real Property Division Ordinance by making an exception to required curb, gutter, sidewalk, and road improvements on Mountain View Drive. The project will not result in any additional site disturbance. The proposed project is within the Residential Multi-Family land use category and is located at 2038 to 2050 Mountain View Drive, approximately 280 feet north of Los Olivos Avenue in the community of Los Osos. The site is in the Estero Planning Area. This project is exempt under CEQA. County File No.: SUB2004-00386/TRACT 2762. Assessor Parcel Number: 074,263,041. Supervisorial District: #2. Date Accepted: September 2, 2005.</p>
Mike Wulkan, staff	<p>Presents staff report. Gives Planning Commission corrections to staff report. Discusses applicant request regarding adjustments to curb, gutter & sidewalk.</p>
Jim Orton, County Counsel	<p>Curb, gutter, and sidewalk waiver discussed. Waiver process is part of coastal zone land use ordinance. Is concerned that the Planning Commission does not have the authority to waive the improvements. Discusses condition on page. 312 15a regarding homeowner association.</p>
Commissioner Gibson	<p>Requests clarification on Pg 3-7 #8 regarding sewer connection when available, with staff responding to clarify who is responsible to connect to the sewer.</p>

Chairman Roos, Commissioners, and staff	Discusses sewer laterals, and homeowner's association responsibilities for such.
Commissioner Gibson	Requests clarification on conditions 17 and 18 regarding noticing requirements with staff responding.
Commissioner Christie	Asks what the rent costs for these units, with staff responding the applicant would know that.
Chairman Roos	Discusses Page 3-9 on whether this should be bonded.
Glenn Marshall, Public Works	States bonding for an undetermined amount of time may be a logistical problem. Discusses minimum grades, sewer lines, and existing sewer.
Commissioners, Chairman Roos	Discuss sewer lines, authority of waiver, size of lots,
Mike Wulkan, staff	Discusses this project as being a multi family dwelling project developed at a higher density. Clarifies staff looks at type of housing rather than ownership.
Commissioner Christie	Discusses Residential Multi-Family housing zoning.
Gregory Albright, applicant	Discusses planned development, reasoning behind waiver for curb, gutter, and sidewalk, septic tanks, lateral lines, and immanent sewer installation.
Commissioner Gibson	Asks applicant if he is amenable to the improvements of the sewer laterals with Mr. Albright stating it will be mandatory.
Chairman Roos	Requests clarification from applicant as to why he is requesting a waiver with Mr. Albright stating the reasoning would be cost effectiveness.
Anne Brown	Discusses living within a Homeowners Association community and discusses issues regarding responsibilities of Homeowners Association.
Commissioner Gibson	States he appreciates applicant's cost effectiveness concern, however, does not see good reasoning for a waiver. Discusses bonding as a technique in this circumstance.
Jim Orton County Counsel	Discusses the denial of waiver from the Planning Department, which can later be taken to the Board of Supervisors. Clarifies bonding under map act.
Mike Wulkan Planning Staff	Discusses Finding N regarding not granting the adjustment, and condition 5 on page 3-10.
Glenn Marshall, Public Works	Clarifies an A2 being curb, gutter & sidewalk. Discusses bonding, and sewer laterals.
Jim Orton, County Counsel	Clarifies conditions, bonding for subdivision improvements. Uses Vista de Oro subdivision as an example of anticipation of a sewer.
Matt Janssen, Planning Staff	Discusses sewer and states planning recommendations to Los Osos to not install sewer laterals.
Chairman Roos	Discusses sewer laterals and a plan to have it bonded for sewer laterals.
Commissioners	Discuss sewer laterals, bonding, costs, fully discussed
Commissioner Christie	States this is creating a sub-standard sub-division, and a lack of public benefit.

MOTION	On motion of Commissioner Christie to deny application for Tract 2762, fails for lack of second.
Commissioner Christie	States her concern is the long-term loss of affordable housing.
Commissioner Rappa	States the curb, gutter & sidewalk should go in, states this project could move forward.
Commissioner Gibson	Would like to see sewer laterals installed and wonders about the practicality. Homeowners Association's responsibility regarding the sewer laterals discussed.
MOTION	Fully discussed and thereafter, on motion of Commissioner Gibson, seconded by Commissioner Rappa and carried, with Commissioner Christie voting no, RESOLUTION 2005-063 granting a Tract Map/Development Plan/Coastal Development Permit TRACT 2762/SUB2004-00386 to GREGORY ALBRIGHT, based on findings in Exhibit A and C, <u>Finding J</u> amended to read: <i>"The site is physically suitable for the proposed density of the development proposed because the site can adequately support two dwelling units"</i> and the conditions in Exhibit B and D, with <u>Condition 15a</u> amended to read: <i>"Maintenance of common areas, including driveway, guest parking, walkways, recreation areas, and landscaping by a Homeowner's Association"</i>; <u>Condition 19</u> amended to read: <i>"This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full"</i>.
Mike Wulkan, staff	Mentions receipt of email regarding paving of area fronting Mt. View Drive and gives condition changes.
Motion	On motion of Commissioner Christie, to amend motion to deed the units in perpetuity dies for lack of second.
4. DENNIS LAW / MARTIN HOTELS / D010188D	This being the time set for hearing to consider an appeal filed by DENNIS LAW / MARTIN HOTELS of a Planning Director's determination that the roof installed on the Avila Lighthouse Suites does not conform to the "non-reflective" requirement of the Avila Beach Specific Plan. The project is located on the square block bounded by Front, San Francisco, San Juan and 1st Streets in the community of Avila Beach in the San Luis Bay (Coastal) Planning Area. This project is exempt under CEQA. County File No: D010188D , Assessor Parcel Number: 076-214-003, Supervisorial District: 3. Date Appeal filed: October 13, 2005.
James Caruso, staff	Presents planning staff's findings for denial using overhead pictures.
Commissioner Rappa	States she has met with the applicant and their representatives. Requests clarification on applicant's development process and if the materials the applicant proposed to use approved with staff responding they were approved.
James Caruso, staff	Gives reasoning and explanation as to why the materials were approved.
Commissioner Rappa	Again asks staff if materials were approved during the development process, with staff responding that it was approved.
Chairman Roos	Discusses prior history of how applicant proposes project and the displays of materials proposed to be used with staff responding that there was a display board of elevations of hotel.

Jim Orton, County Counsel	Refers to Condition 4 on Page 4-11 and discusses prior commission approval of conditions.
Commissioner Gibson	Discusses prior commissions approval of materials proposed for this project.
Commissioner Christie	Discusses color board used in prior approval of materials proposal.
Noreen Martin, appellant	Discusses her partnership with husband, Tom Martin, and their ethics regarding speaking the truth. Discusses hotel as having been kept with historical aspects of the Avila Beach Community.
Brian Star	Using PowerPoint to show pictures of Avila Beach and why they determined what sort of roofing material would be used. Discusses reflection of roof, time of occurrence of reflectivity, comparisons of reflectiveness of roof to parking lot pavement, and ocean. Discusses current staff report, findings from original staff report, specifically finding #3
Commissioner Christie	Addresses colors of material used and types of material used.
	(Recess for lunch and the Commission reconvenes at 1:30)
Chairman Roos	Discusses reflective material in regards to metal material and the range of reflectivity.
Dennis Law	Discusses a copy of letter dated 12/19/05, permit issued with findings attached particularly letter A., conditions of approval specifically Condition 4 showing roofing material which was subject to that condition and subsequently approved. States there was no discussion regarding roofing material in the prior PC meeting. Cites Anderson vs. La Mesa. States it would be unfair and contrary to the law the roof be removed and replaced. Martin Resorts is requesting a posting of a bond from the Planning Commission.
Ann Brown	Resident of Avila and member of a sub-committee of AVAC. States the roof is reflective and feels the citizens of Avila should be considered in the Planning Commission's decision.
Betty Woody	Resident of Avila Beach, states there is a reflection from the roof.
Archie McLaren	Chairman of subcommittee that approves projects. Discusses mandate to adhere to specific plan and believes the roof could have been made less reflective.
Dennis Law	Discusses level of resolution for this project.
Commissioner Christie	Discusses cost of replacing the roof, invalidation of warranty on roof should another material be put on top of current roof.
Dennis Law, Brian Star, Chairman Roos, and Commissioners	Discuss warranty and overlying material's effects on current roof.
Noreen Martin, appellant	Gives reasoning behind hindrances of replacing roof.
Commissioner Rappa	States this discussion is whether or not materials used were in compliance with prior conditions of approval.
Commissioner Christie	States her agreement with the cited Anderson case law and feels this limits her discretionary decision making ability and feels she must adhere to what the law

	states.
Commissioner Gibson	States his concern for the previous findings the Planning Commission made in their decision.
Jim Orton, County Counsel	Finding that the roof conforms with the requirements of the conditions of approval of the Development Permit.
MOTION	Thereafter on motion of Commissioner Rappa, seconded by Commissioner Gibson, and unanimously carried, to uphold appeal based on the findings in Exhibit A.
Commissioner Christie	Discusses concern over written findings.
Commissioner Gibson	Discusses Avila Specific Plan, and neighborliness.
5. JOSE LLAMAS / DRC 2004-00268	This being the time set for hearing to consider a request by JOSE LLAMAS for a Conditional Use Permit to amend previously approved Development Plan D811230 (part of Cluster Division for Tract 1037) to locate a 6,000 square foot building site on Parcel 1 of Tract 1037. The project would allow construction of a 4,000 square foot residence. The proposed project is within the Residential Suburban land use category and is located on the north side of Via Alta Mesa (1710 Via Alta Mesa), approximately ¼ mile north of the community of Nipomo. The site is in the South County (Inland) planning area. This project is exempt under CEQA. County File No: DRC2004-00268 , Assessor Parcel Number: 092,162,001, Supervisorial District 4, Date Accepted: September 6, 2005.
Stephanie Fuhs, staff	Presents staff report and shows overhead of the project.
Commissioner Mehlschau	States he made a site visit and discusses water tank, and accessory building.
Commissioner Christie	Discusses open space parcel being restricted to agricultural accessory structures.
Kami Griffin, staff	Clarifies this is a residential building ordinance, and discusses open space parcel, and limitations of building.
Raul Hernandez, representing Jose Llamas	States the applicant would like to build his home on the site.
MOTION	Fully discussed and thereafter, on motion of Commissioner Mehlschau, seconded by Commissioner Rappa and unanimously carried, RESOLUTION 2005-064 granting a Conditional Use Permit DRC2004-00268 to JOSE LLAMAS, based on findings in Exhibit A and the conditions listed in Exhibit B.
6. RICK CENTNER / D020184D	This being the time set for hearing to consider a request by RICK CENTNER for a Conditional Use Permit to allow a phased commercial development including Phase 1) a 30,000 square foot vehicle storage area, four shell buildings totalling 6,500 square feet, 400 square feet of office, and a 1,225 square foot caretaker's unit; Phase 2) two additional shell buildings totalling 3,250 square feet, 32 parking spaces, and removal of the vehicle storage area; and Phase 3) four additional shell buildings totalling 7,000 square feet and 40 additional parking spaces. The project will result in the disturbance of the entire 1.12 acre parcel in the first phase of development. The proposed project is in the Commercial

	Services land use category and is located at 538 Sandydale Drive, on the southeast portion of the intersection of Sandydale Drive and Briarwood Lane, in the community of Nipomo. The site is in the South County Inland planning area. Also to be considered at the hearing will be approval of the Negative Declaration prepared for the item pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Aesthetics, Air Quality, Geology and Soils, Noise, Public Services/Utilities, Transportation/Circulation, Wastewater, and Water. County File Number: D020184D. Assessor Parcel Number: 091-326-051. Supervisorial District: 4. Date Accepted: February 3, 2005
Brian Pedrotti, staff	Presents staff report. Discusses memorandum regarding CDF's position and language to be added to conditions.
Commissioner Mehlschau	Requests clarification on when the phase will begin with staff responding. Discusses wall location, foundation of such, and survival of trees.
Commissioner Gibson	Discusses Map on Page 6-51 as to whether this is Lot 28 with staff responding.
Chairman Roos	Requests clarification on condition 2 as to what is allowed on the property with staff responding that auto and vehicle repair is not allowed on the property.
Brian Pedrotti, staff, Chairman Roos, and Commissioners	Discuss septic systems, and community sewer system connections.
Warren Hoag, staff	Reads a standard for connection to community sewers. Reads language for Page 6-3, Section 22 for the record.
Commissioner Gibson	Discusses the amount of traffic trips in the various phases.
Kami Griffin, staff	We assume the worst for trip calculation. The planning standard and conditions of approval limit the uses.
Brian Pedrotti, staff	Addresses trip generation as operating at acceptable levels of the roadway.
Glenn Marshall, Public Works	States he is not aware of any traffic studies as they are in a road fee area.
Terry Orton, Westland Engineering	Discusses traffic at intersection. Gives historical aspect of building site. Discusses limitations of uses, articulation of building, side the building should go on, and language for condition 23 regarding construction of wall.
Commissioner Mehlschau	Requests clarification on what sort of activities will be happening on this site with Mr. Orton responding that the applicant does not know what the uses will be.
Chairman Roos	Discusses wall being built along the property line close to the trees with Mr. Orton responding. Clarifies maintenance on vehicles will be prohibited. Timetables for phasing will go by county ordinances.
Warren Hoag, staff	Clarifies the ordinance allows the Planning Commission to establish a phasing schedule and must be specific in the conditions of approval.
Phil Henry	Discusses concern over commercial/residential uses, fuel tank, poles on property line, lack of NCSD sewer line, negative EIR, traffic impacts, and states the wall would not be sufficient.
D.L. Wyche	Discusses concerns regarding traffic impacts, parking spaces, and code violations on property.

Judy Henry	Discusses concerns regarding sewer, traffic, violations, and occupancy of caretaker's residence.
Ann Perry	Discusses wall and is in support of one due to the noise production, occupancy of buildings, and applicant going beyond authorized use.
Chairman Roos	Asks Ms. Perry if she would prefer a higher fence be built with Ms. Perry answering yes.
Eugene Score	Discusses prior violations of applicant.
Bill Ross	Discusses concerns regarding traffic.
Terry Orton, Westland Engineering	Addresses traffic and anticipates no more than 72 peak hour trips, construction of an 8-foot fence, and consideration of different time schedules. Phase 2 will be 5 years and Phase 3 would be 10 years. Discusses noise and enforcement of such.
Commissioner Rappa	Requests clarification from Mr. Orton as to why a compressor is in the parking lot.
Terry Orton, Westland Engineering	States this is for a tree service, however, will eventually be eliminated with the added phases.
Commissioners, Terry Orton	Discuss commercial and residential uses, phases of construction, and conditions on uses of storage area, and compressor being brought into conformance.
Commissioner Mehlschau	Requests clarification regarding repair to vehicles.
Terry Orton, Westland Engineering	Clarifies maintenance of vehicles are limited to service of vehicles.
Chairman Roos, Kami Griffin, and Commissioners	Discuss violations of commercial service of limited uses, conditioning Phase 2 and Phase 3 based on number of trips,
Kami Griffin, staff	Clarifies this permit would act to correct existing violations. States a condition could be added stating enforcement actions on property have been corrected.
Commissioners and staff	Discuss a motion to continue and reasoning behind a continuance such as; esthetics, sewer, phasing, traffic, vehicle repair, and if a tree service is authorized to be there
Warren Hoag, staff	Suggests continuance to March 9, 2006.
MOTION	Thereafter, on motion of Commissioner Mehlschau, seconded by Commissioner Gibson and unanimously carried, the Commission continues this hearing to March 9, 2006.
7. HERITAGE RANCH OWNER'S ASSOCIATION (HROA) / DRC 2005-00040	This being the time set for hearing to consider a request by the HERITAGE RANCH OWNER'S ASSOCIATION (HROA) for a Conditional Use Permit to allow the demolition of an existing gatehouse and construction of a new approximately 435 square foot gatehouse. The project will result in the disturbance of approximately 500 square feet of a 10 acre parcel. The proposed project is within the Residential Single Family land use category and is located on Gateway Drive, near the intersection of Gateway Drive and Nacimiento Lake Drive in Heritage Ranch. The site is in the Nacimiento planning area. This project is exempt under CEQA. County File No: DRC2005-00040. Assessor Parcel Number: 012-351-001. Supervisorial District 1. Date Accepted: October

	6, 2005.
Martha Neder, staff	Presents staff report and shows overhead of the project.
Commissioner Christie	Asks if there is an actual gate to this community and addresses Page 7-2.
Martha Neder, staff	States currently there is no gate, however, the Heritage Ranch Owners Association would like to reserve this right for in the future.
Linda Richy, general manager of HROA	Discusses building and long-term safety of such. Discusses security aspects due to Heritage Ranch Owner's Association having full time security, would like option to have a gate.
Commissioner Christie	Requests clarification on what sort of gate will be installed, and reasoning behind the added security.
Linda Richy	States the gate will be at the guest lane entrance for added security because the properties have been sold as a private community.
Commissioners and staff	Discuss interpretations on restrictions of installing a gate, reasoning behind having a physical gate, and differences between private gated communities vs. private communities.
Commissioner Christie	Discusses interpretation of condition 1c.
Chairman Roos, Commissioners, and Linda Richy	Discuss access to Heritage Ranch.
Chairman Roos	States he has no problem with a gate being installed as long as condition 1c is adhered to.
MOTION	Fully discussed and thereafter, on motion of Commissioner Rappa, seconded by Commissioner Mehlschau and carried, with Commissioner Christie voting no, RESOLUTION 2005-065 granting a Conditional Use Permit DRC2005-00040 to HERITAGE RANCH OWNERS ASSOCIATION, based on findings in Exhibit A and the conditions listed in Exhibit B, with <u>Condition 1d</u> amended to read: "<i>maximum height is 15 feet from average natural grade</i>".
	On motion of Commissioner Christie to amend the motion, amending Condition 1c, dies for lack of a second.
8.	Housing Element Programs
Dana Lilly	Presents study session via power point presentation.
Commissioner Gibson	Questions the affordable housing time frame of 45-55 years, and which agency would monitor those issues.
Dana Lilly, staff	No decision has been made at this point. Community Land Trust discussed, however, county does not have this yet.
Commissioner Christie	Questions if a county wide housing authority has been formed. Comments regarding in-lieu fee, and option to provide off-site housing.
Dana Lilly, staff	States there has been some discussion, and in the past a proposal to have a county wide housing authority has been proposed. County is continuing to look into that possibility. States the county has heard the amount of the in-lieu fees is

	excessive.
Chairman Roos	Requests clarification on assessment values of lower/moderate income housing.
Dana Lilly, staff	States the county appraiser is required to assess at true market value and property taxes are based on that. States cities have their own mechanisms of deed restrictions.
Commissioner Rappa	States the county habitat housing property value reflects the deed restriction. Compliments staff on the work that has been done, and encourages a financing program to allow property to remain affordable.
Chairman Roos	States he has no recollection of approving a project, which requires standards to convert to affordable housing. Questions the county's slide of rental prices as compared to housing prices
Dana Lilly, staff	States requirements. Gives examples regarding the building of condominiums. Discusses market forces of bordering counties influencing our market.
Commissioner Rappa	Discusses reduction of regulatory barriers such as community block grant funds. Reinforces affordable housing should be integrated into neighborhoods.
Dana Lilly, staff	Clarifies policies, which make loans more possible. Discusses buyers assistance program, rules for loans to non-profits to develop affordable rental housing, which is in essence a grant.
MOTION	Thereafter, on motion of Commissioner Rappa, seconded by Commissioner Gibson, and unanimously carried, the Commission receives all documents presented today for the record.

There being no further business, the meeting is adjourned.

Respectfully submitted
Ramona Hedges, Secretary Pro Tem
County Planning Commission

